IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO.920 OF 2004
IN
SUMMARY SUIT NO.2688 OF 2004

M/s.Shah Shantilal Rupchand ..Plaintiffs.

Vs.

M/s. K.R. Securities & Ors. ..Defendants.

Mr.D.A.Barot for the Plaintiffs.
Mr.S.C.Jodhavat for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 4TH JULY, 2007

P.C. :

The suit is filed to recover a sum of Rs.18,41,378/- with interest on the principal sum f Rs.10,34,488/-.

2. The Plaintiff has admittedly lent and advanced a sum of Rs.7,00,000/- by cheque to the first Defendant. Defendant Nos.2 and 3 are the partners of Defendant No.1. Part-payments have been made. A balance confirmation letter dated 1.4.2001 has been signed by the Defendants confirming the account.

3. The only defence is that the husband of the partner of the Plaintiff had certain transactions with the Defendants and that the Defendants are

therefore entitled to adjustment of the amounts due at the foot of that account. This is not a valid defence. The Plaintiffs canot be held responsible for the said claim even if valid. No particulars in respect thereof are furnished either.

4. In the circumstances, there is no defence to the suit.

5. The Summons for Judgment is therefore made absolute. The suit is decreed as prayed.